

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW L. COLBORN,
Plaintiff

v.

NETFLIX, INC., et al.,
Defendants.

Case No. 19-CV-484

DECLARATION OF MICHAEL GRIESBACH

STATE OF WISCONSIN)
) SS
COUNTY OF MANITOWOC)

MICHAEL C GRIESBACH, being first duly sworn on oath, deposes and says:

1. My name is Michael Griesbach. I am an attorney practicing in Manitowoc County and I was previously one of the attorneys representing Andrew Colborn in this action.
2. In 2010 I self-published a book entitled *Unreasonable Inferences* concerning the Steven Avery saga, focusing on his 1985 wrongful conviction. The book was re-published by the American Bar Association in 2014 under the title, *The Innocent Killer*.
3. I did send the email to Moira Demos and Laura Ricciardi (Dkt. # 290-34) dated 12-23-2015 congratulating them on Making a Murderer.
4. My comments in the email were in reference to the criminal justice system in general; not on Avery's guilt or innocence or his evidence-planting defense.

5. I did send an email to my book agent on January 5, 2016 (Dkt. # 289-30) shortly after watching *Making a Murderer*, stating that I was convinced Avery was guilty “but I’m nowhere near as certain that the cops did not plant evidence to bolster their case.”

6. In late January 2016, I entered into a contract with Kensington Publishing to write a second book concerning the Steven Avery saga, this time focusing on the Halbach murder investigation and the assertions made about it in *Making a Murderer*. I began research for the book in February, 2016. My second book, *Indefensible*, was published and released in the fall of 2016.

7. Prior to writing *Indefensible* in 2016, I had not thoroughly researched the Halbach murder case and was not part of the investigation or the prosecution of Steven Avery and Brendan Dassey.


8. After comparing the assertions of *Making a Murderer* with police reports and trial transcripts, it became apparent that the series had badly misrepresented the facts. I publicly expressed my opinions concerning the falsehoods in various media interviews and an OP/ED.

9. I was to some extent taken in by the falsehoods of *Making a Murderer*. The series strongly suggests that James Lenk and Andy Colborn planted evidence to frame Mr. Avery. Upon conducting my own research, it became abundantly clear that this assertion was false.

10. Attached as exhibit 1 are excerpts from my book, *Indefensible*, that clearly state my opinion of *Making a Murderer*. As stated in my book “I thought I knew that truth, but it was to some extent fractured by *Making a Murderer*. As I delved deeper into the circumstances surrounding Teresa Halbach’s murder, the truth became whole again.”

11. I have reviewed Dkt. 289-1. When I made the notation, “whitewash” on the document in 2010, I was referring to what I considered to be the failure of the Wisconsin

Attorney General to hold accountable the then-sheriff and then-DA in her independent review of Avery's 1985 wrongful conviction. My notation had nothing to do with the Halbach murder investigation.

 11/3/22
Michael Griesbach

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